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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,140	05/23/2005	Eric Muller	GS 0606 B WO US	4404

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EXAMINER

LOPEZ, FRANK D

ART UNIT	PAPER NUMBER
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3745

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,140	MULLER ET AL.	
	Examiner	Art Unit	
	F. Daniel Lopez	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Claims 7-13 (as indicated by the applicant) are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 20, 2007. Although the applicant requests that all claims be subject to the examination, the election of species still stands.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the injector pump, incorporated into the vane cell pump (claim 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claims 1-6 and 14-19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 1 “especially dual flow hydraulic pressure supply unit” is confusing, as to whether the limitation must be a dual flow. Furthermore, the multi-flow of line 1, which would include³ more than two flows, does not appear to be supported by the specification, since all the embodiments are two flows. In claim 1 line 2 “such as a pump” is confusing. In claim 1 line 4 “individual pump flows” is confusing, since the flows are not claimed as pump flows.

In claim 18 line 2 “valve arrangement” should be –valve apparatus–, to agree with claim 1 line 3.

Claims not mentions are indefinite, since they depend from claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Ueno. Ueno discloses a hydraulic system comprising first and second pump flows (from P1, P2) fed to a first consumer (e.g. 108) which are led together or separated by a stop valve (8); a 2/2 way valve (4) switches between the individual flows or for connecting

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the two flows, wherein a resistor (in 2a) is between the valve and an input side of the pumps (via the tank 7).

Claims 1-3, 6, 14-16 and 19 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by German 3727633. German 3727633 discloses an automatic transmission system comprising first and second asymmetrical pump flows (from 4, 5) fed to a first consumer (3) which are led together or separated by a stop valve (11); a 2/2 way valve (9) switches between the individual flows or for connecting the two flows, wherein the first pump flow is a third and the second pump flow is two thirds of the entire flow (diagram below fig 1).

Claims 1-4, 6, 14 and 15 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Kauss et al (see discussion below).

Claims 1 and 19 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Kronstadt et al. Kronstadt et al discloses an automatic transmission comprising first and second pump flows (from 12 and 64) fed to a first consumer (e.g. 21-26)); a valve apparatus (18) switches between the individual flows (F or R positions) or for connecting the two flows (n position, where both flows are to the lubrication system).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Claims 16 and 17 are rejected under 35 U.S.C. § 103 as being unpatentable over Kauss et al. Kauss et al discloses a hydraulic system comprising first (from 20) and second (from 10) asymmetrical pump flows fed to a first consumer (15) which are led together or separated by a stop valve (22); a 2/2 way valve (24) switches between the individual flows or for connecting the two flows, and is prestressed by a spring (27) and acted upon by a back pressure leading from the consumer (via 26); wherein the first flow is turned off dependent on need, by the valve and the second flow is from a variable displacement pump, whose flow can be turned off (displacement decreased) dependent on need (assumed to be load controlled); wherein the overall size of the first pump is sufficient only for the first consumer (column 2 line 27-30): but does not disclose that the first pump flow is a third and the second pump flow is two thirds of the entire flow; or that the pressure supply includes a vane cell pump or a gearwheel pump.

One having ordinary skill in the hydraulic system art would recognize that the first flow to the first consumer can be different values compared to the overall flow of the system, and therefore; it would have been obvious at the time the invention was made to one having ordinary skill in the art to make the first pump flow of Kauss et al a third and the second pump flow is two thirds of the entire flow, as a matter of engineering expediency.

Official notice is taken that pumps are well known to be either a vane cell pump or a gearwheel pump. It would have been obvious at the time the invention was made to one having ordinary skill in the art to make the pressure supply of Kauss et al include a vane cell pump or a gearwheel pump, as a matter of engineering expediency.

Claims 17 and 18 are rejected under 35 U.S.C. § 103 as being unpatentable over Heibisch et al in view of Heibisch et al. Kauss et al discloses all of the elements of claims 17 and 18, as discussed above, and including that the valve is a bypass valve connecting an output of the pump (21) to a tank (18); but does not disclose that a resistor is between the valve and an input side of the pumps, with an injector pump incorporated into a vane cell pump, being part of the first and second pumps.

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Hebisch et al teaches, for a pump (3) having a bypass valve connecting the output of the pump to tank; that an injector pump (5), forming a resistor, is between the valve and an input side of the pump, for the purpose of decreasing energy needs.

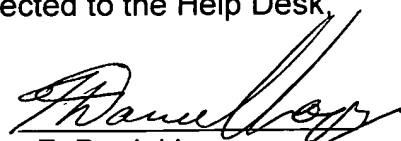
Since Kauss et al and Hebisch et al are both from the same field of endeavor, the purpose disclosed by Hebisch et al would have been recognized in the pertinent art of Kauss et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to include an injector pump, forming a resistor, between the valve of Kauss et al and an input side of at least one of the pump, as taught by Hebisch et al, for the purpose of decreasing energy needs.

Official notice is taken that pumps are well known to be vane cell pump. It would have been obvious at the time the invention was made to one having ordinary skill in the art to make the pumps of Kauss et al include a vane cell pump, as a matter of engineering expediency.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.



F. Daniel Lopez
Primary Examiner
Art Unit 3745
March 22, 2007